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OFFICE OF PETITIONS

In re Patent No. 6,785,932	:	DECISION ON
Daniel Bone	:	PATENT TERM ADJUSTMENT
Issue Date: September 7, 2004	:	AND NOTICE OF INTENT
Application No. 10/091,137	:	TO ISSUE
Filed: March 4, 2002	:	CERTIFICATE OF
Attorney Docket No. 0275R-000574	:	CORRECTION

This is a decision on the "PETITION TO REQUEST RECONSIDERATION OF PATENT TERM ADJUSTMENT CALCULATION PURSUANT TO 37 CFR 1.705", filed October 27, 2004. Patentee requests that the patent term adjustment indicated on the patent be corrected from one hundred sixty (160) days to two hundred forty-five (245) days.

The petition is **GRANTED** to the extent indicated herein.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **one hundred ninety-six (196)** days.

On September 7, 2004, the above-identified application matured into U.S. Patent No. 6,785,932. The instant request for reconsideration filed July 30, 2004 was timely filed within two months of the date the patent issued. See § 1.705(d). The Patent issued with a Patent Term Adjustment of one hundred sixty (160) days. Patentee states that the initial determination of patent term adjustment days should not have been reduced to 160 days for the submission of a "COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE".

The adjustment of eighty-five (85) days for the filing of a "COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE" has been found to be incorrect.¹ Accordingly, applicant delay with respect to this filing should have been zero (0) days.

However, pursuant to 37 C.F.R. § 1.704(c)(1), applicant should have been assessed delay of one hundred twenty (120) days for the filing of drawings on April 5, 2004, after the Notice of Allowance was mailed.

In view thereof, the correct determination of PTA at the time of issuance is one hundred ninety-six (196) days (316 days of PTO delay, reduced by 120 days of applicant delay).

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **one hundred ninety-six (196)** days subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Karin A. Ferriter
for

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enc: draft certificate of correction

¹ See Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed, 1247 Off. Gaz. 111 (June 26, 2001).